

United States Courts
Southern District of Texas
FILED

MAY 16 2024

To: Judge George C Hanks Jr

Nathan Ochsner, Clerk of Court

Re: Case No:4:22-cr-00516s; United States V Jonathan Elliott Smith-Byrd

Judicial Notice

Dear Judge George C Hanks Jr

Defendant request that this court take Judicial Notice of these public records under Federal Rule of Evidence 201 (b)(1),(c)(2). Defendant request that this court take Judicial Notice of Exhibit A, B & C herein attached. These records are filed in this case, therefore Judicial Notice is appropriate.

Exhibit A,B & C were filed on March 14,2024, Notice of Ineffective Counsel, Notice of Right To Appear In Propria Persona- 6thgAd Amendment Violation pursuant to strickland v.washington, 466 U.S. 668 (1984), Notice of Durable Power of Attorney. Cppy of said filings were sent to Eric Reed Attorney on file March 14, 2024.

Jonathan Aves Brey

Cover sheet

May 12, 2024

NOTICE

Judge Hanks
Southen Division of Texas Houston Division
United States Courts
Nathan Ochsner, Clerk of Court

Alleged Defendant:
JONATHAN ELIOTT
SMITH-BYRD

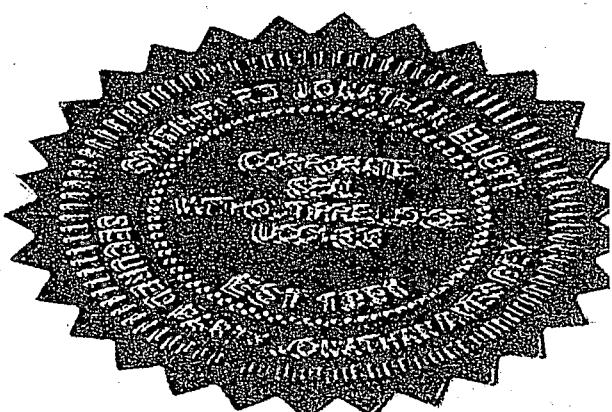
Case No: 4:22-cr-00516-S

Notice of Special Restricted Appearance under coercion and duress: Jonathan Aves Bey Beneficial Owner 1st lien holder/ authorized representative of SMITH-BYRD, JONATHAN ELIOTT d/b/a JONATHAN ELIOTT SMITH-BYRD

EXhibit: A: Notice of Ineffective Counsel
B: Notice Memorandum of Law-Reservation of Right to Assistance of Counsel
C: Durable Power of Attorney
D: Judicial Notice

Filing Instructions: Make filing public information NOT sensitive

Jonathan Aves Bey, registered Owner Of SMITH BYRD JONATHAN ELIOTT corp. sole Dba JONATHAN ELIOTT SMITH BYRD c/o 9450 SW Gemini Dr PMB 51582 Beaverton, Oregon 97008-7105 US



Date 02/28/2024

To:
Federal Public Defender
440 Louisiana St # 1350,
Houston, TX 77002

Re: Case No: 4:22-cr-00516; USA vs Smith-Byrd; NOTICE OF INEFFECTIVE
COUNSEL, NOTICE OF RIGHT TO APPEAR IN PROPRIA PERSONA - 6th
AMENDMENT VIOLATION pursuant to Strickland v. Washington, 466 U.S. 668 (1984)

To whom it may concern,

This is formal notice to whom it may concern that the corporations known as Federal Public Defender, the UNITED STATED DISTRICT COURT SOUTHERN DISTRICT HOUSTON DIVISION and agents thereof, are hereby given notice that a violation of Due Process pursuant to the United States-Moroccan Treaties has occurred. According to United States-Moroccan Treaties and United States of America Constitution (6th amendment) in a criminal matter I have a "Right to Effective Counsel." Due to the fraud and misrepresentation, and severity of the charges against me, I would elect to terminate the legal "ATTORNEY-CLIENT" relationship that we have, and I request you to recuse yourself from representing me, and appearing in court, in my behalf. As I have elected to respect the divine creed of my ancient forefathers who are the Ancient Moabites-Canaanites and proclaim my Nationality as Moorish-American. Pursuant to the Universal Declaration of Indigenous Peoples declared by United Nations and my Holy Prophet NOBLE DREW ALI. I have immunity from these proceedings, and I have the right to self-determination. THE UNITED STATED DISTRICT COURT SOUTHERN DISTRICT HOUSTON DIVISION has appointed you to re-present my Estate known as Jonathan Elliott Smith-Byrd without my consent. THE UNITED STATED DISTRICT

Notice to the agent is notice to the principal, Notice to principal is to notice to the agent; UCC 1-202

COURT SOUTHERN DISTRIC HOUSTON DIVISION has no authority or delegation from U.S. Congress to issue such order over my Estate without my consent under threat, duress, and coercion. In want of authority to make any appointment of an attorney without my consent is unconstitutional. As you are required to take an oath as an Attorney of law (barrister) to defend and protect the constitution for the United States of America for your clients, which you have not by way of Misrepresentation, and non-disclosure. Due to my desire to protect my inalienable rights and liberty, I felt it necessary to present myself In Propria Persona, with assistance from a Moorish Consul as standby counsel, and not waiving any constitutional rights and protections including the right to assistance from counsel.

Respectfully Submitted,

Jonathan Aves Key
UCC 1-308 AFFIANT

Date 02/28/2024

To:
Federal Public Defender
440 Louisiana St # 1350,
Houston, TX 77002

Re: Case No: 4:22-cr-00516; USA vs Smith-Byrd; NOTICE OF INEFFECTIVE
COUNSEL, NOTICE OF RIGHT TO APPEAR IN PROPRIA PERSONA - 6th
AMENDMENT VIOLATION pursuant to Strickland v. Washington, 466 U.S. 668 (1984)

Re: Memorandum of Law - Reservation of Right to Assistance of Counsel

Dear Judge George C Hanks Jr

I am writing to formally notify the court of my intention to represent myself in the above-captioned matter. As the plaintiff in this case, I am appearing in propria persona (in pro per) for the purpose of reserving my right to seek the assistance of counsel at a later stage in these proceedings.

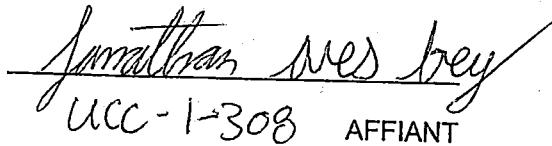
While I have chosen to represent myself at this time, I reserve the right to seek the assistance of counsel if circumstances warrant or if I determine that legal representation would be in my best interest. This reservation of right to counsel is made pursuant to applicable laws and regulations governing civil litigation in this jurisdiction.

It is important to clarify the distinction between appearing in propria persona and appearing pro se. The term "propria persona" is used to indicate that I am representing myself in this matter, while "pro se" is often used interchangeably and carries a similar meaning. By appearing in propria persona, I am asserting my right to self-representation while preserving my right to seek legal counsel if necessary.

I understand that representing myself entails certain responsibilities, including familiarity with relevant laws, rules, and procedures, as well as effective communication with the court and other parties involved in this case. I am prepared to fulfill these responsibilities to the best of my ability while maintaining the option to seek legal assistance if needed.

Please acknowledge receipt of this memorandum of law and my reservation of right to assistance of counsel by filing it with the court and providing a copy to all parties involved in this case.

Respectfully Submitted,


UCC-1-308 AFFIANT

Notice to the agent is notice to the principal, Notice to principal is to notice to the agent; UCC 1-202

DURABLE POWER OF ATTORNEY

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE DURABLE POWER OF ATTORNEY ACT, SUBTITLE P, TITLE 2, ESTATES CODE. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH-CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO. IF YOU WANT YOUR AGENT TO HAVE THE AUTHORITY TO SIGN HOME EQUITY LOAN DOCUMENTS ON YOUR BEHALF, THIS POWER OF ATTORNEY MUST BE SIGNED BY YOU AT THE OFFICE OF THE LENDER, AN ATTORNEY AT LAW, OR A TITLE COMPANY.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until:

- (1) you die or revoke the power of attorney;
- (2) your agent resigns or is unable to act for you; or
- (3) a guardian is appointed for your estate.

I, JONATHAN ELLIOT SMITH-BYRD, residing at 14222 WHITECROSS DRIVE, HOUSTON, Texas 77083, appoint Jonathan Aves Bey of 515 RUSK ST, HOUSTON, Texas 77002, as my agent ("Agent") to act for me in any lawful way with respect to all of the following powers that I have listed below.

- Real property transactions
- Tangible personal property transactions
- Stock and bond transactions
- Commodity and option transactions
- Banking and other financial institution transactions
- Business operating transactions
- Insurance and annuity transactions
- Estate, trust, and other beneficiary transactions
- Claims and litigation
- Personal and family maintenance
- Benefits from social security, Medicare, Medicaid, or other governmental programs or civil or military service
- Retirement plan transactions
- Tax matters
- Digital assets and the content of an electronic communication

I hereby revoke any and all general powers of attorney and special powers of attorney that previously have been signed by me. However, the preceding sentence shall not have the effect of revoking any powers of attorney that are directly related to my healthcare that previously have been signed by me.

SPECIAL INSTRUCTIONS APPLICABLE TO AGENT COMPENSATION: My agent is entitled to reimbursement of reasonable expenses incurred on my behalf and to compensation that is reasonable under the circumstances.

GRANT OF SPECIFIC AUTHORITY

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. Consultation with an attorney is recommended before granting any of these specific powers).

In addition to the above powers, my agent will have the authority to:

- Create, amend, revoke, or terminate an inter vivos trust
- Make a gift, subject to the limitations of Section 751.032 of the Durable Power of Attorney Act (Section 751.302, Estates Code) and any special instructions in this power of attorney
- Create or change rights of survivorship
- Create or change a beneficiary designation
- Authorize another person to exercise the authority granted under this power of attorney

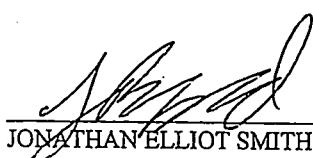
THIS POWER OF ATTORNEY IS NOT AFFECTED BY MY SUBSEQUENT DISABILITY OR INCAPACITY.

I shall be considered disabled or incapacitated for purposes of this power of attorney if a physician certifies in writing at a date later than the date this power of attorney is executed that, based on the physician's medical examination of me, I am mentally incapable of managing my financial affairs. I authorize the physician who examines me for this purpose to disclose my physical or mental condition to another person for purposes of this power of attorney. A third party who accepts this power of attorney is fully protected from any action taken under this power of attorney that is based on the determination made by a physician of my disability or incapacity.

This power of attorney continues until I revoke it or it is terminated by my death or other event described in Subtitle P, Title 2 of the Texas Estates Code.

I agree that any third party who receives a copy of this document may act under it. Termination of this durable power of attorney is not effective as to a third party until the third party has actual knowledge of the termination. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney. The meaning and effect of this durable power of attorney is determined by Texas law.

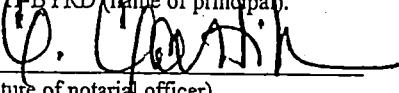
Dated May 12, 2024, at HOUSTON, Texas.



JONATHAN ELLIOT SMITH-BYRD

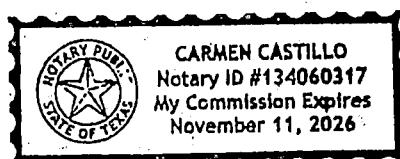
STATE OF TEXAS,
COUNTY OF Harris, ss:

This document was acknowledged before me on 3/13/24 (date) by JONATHAN ELLIOT
SMITH-BYRD (name of principal).


(signature of notarial officer)

C Castillo
(printed name)

My commission expires 11/11/2026



IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the authority granted under this power of attorney, you establish a "fiduciary" relationship with the principal. This is a special legal relationship that imposes on you legal duties that continue until you resign or the power of attorney is terminated, suspended or revoked by the principal or by operation of law. A fiduciary duty generally includes the duty to:

- (1) act in good faith;
- (2) do nothing beyond the authority granted in this power of attorney;
- (3) act loyally for the principal's benefit;
- (4) avoid conflicts that would impair your ability to act in the principal's best interest; and
- (5) disclose your identity as an agent when you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner:

(Principal's Name) by (Your Signature) as Agent

In addition, the Durable Power of Attorney Act (Subtitle P, Title 2, Estates Code) requires you to:

- (1) maintain records of each action taken or decision made on behalf of the principal;
- (2) maintain all records until delivered to the principal, released by the principal, or discharged by a court; and
- (3) if requested by the principal, provide an accounting to the principal that, unless otherwise directed by the principal or otherwise provided in the Special Instructions, must include:
 - (A) the property belonging to the principal that has come to your knowledge or into your possession;
 - (B) each action taken or decision made by you as agent;
 - (C) a complete account of receipts, disbursements, and other actions of you as agent that includes the source and nature of each receipt, disbursement, or action, with receipts of principal and income shown separately;
 - (D) a listing of all property over which you have exercised control that includes an adequate description of each asset and the asset's current value, if known to you;
 - (E) the cash balance on hand and the name and location of the depository at which the

cash balance is kept;

- (F) each known liability;
- (G) any other information and facts known to you as necessary for a full and definite understanding of the exact condition of the property belonging to the principal; and
- (H) all documentation regarding the principal's property.

Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates or suspends this power of attorney or your authority under this power of attorney. An event that terminates this power of attorney or your authority to act under this power of attorney includes:

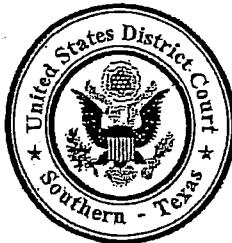
- (1) the principal's death;
- (2) the principal's revocation of this power of attorney or your authority;
- (3) the occurrence of a termination event stated in this power of attorney;
- (4) if you are married to the principal, the dissolution of your marriage by a court decree of divorce or annulment or declaration that your marriage is void, unless otherwise provided in this power of attorney;
- (5) the appointment and qualification of a permanent guardian of the principal's estate unless a court orders otherwise; or
- (6) if ordered by a court, your removal as agent (attorney in fact) under this power of attorney. An event that suspends this power of attorney or your authority to act under this power of attorney is the appointment and qualification of a temporary guardian unless a court order provides otherwise.

Liability of Agent

The authority granted to you under this power of attorney is specified in the Durable Power of Attorney Act (Subtitle P, Title 2, Estates Code). If you violate the Durable Power of Attorney Act or act beyond the authority granted, you may be liable for damages caused by the violation or subject to prosecution for misapplication of property by a fiduciary under Chapter 32 of the Texas Penal Code.

THE AGENT, BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT.

UNITED STATES DISTRICT COURT
HOUSTON DIVISION



Attention: Staff Attorney

Re: Prisoner Documents Received

From: _____

Date: _____

The attached documents were received by the Clerk's Office on _____. We are unable to determine how to docket the attached materials. If it is determined this is a new prisoner case, please indicate which type of case (e.g. Habeas, Civil Rights, etc.). If it is a prisoner civil rights case, please list the names of the defendants (if necessary), also, please indicate the Nature of Suit. Thank you for your assistance.

Additional comments:

Comments from persons sending:

Name of person submitting form _____

Please return documents to _____

Jonathan Elliott Smith-Byrd Estate #28795510
~~PO~~ Federal Detention Center Houston

P.O. Box 526255
Houston, TX 77052



United States Courts
Southern District of Texas
FDC
MAY 16 2024
Nathan Ochsner, Clerk of Court

515 Rusk St
Houston, TX 77002
Southern District of Texas Houston Division
United States Courts
Nathan Ochsner, Clerk of Court
Judge Hanks JR

Legal Mail